

PROOF

STATE OF IOWA

Senate Journal

THURSDAY, APRIL 4, 2019

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JOURNAL OF THE SENATE

EIGHTY-FIRST CALENDAR DAY
FORTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, April 4, 2019

The Senate met in regular session at 9:02 a.m., President Schneider presiding.

Prayer was offered by Pastor Stan Johnson from Iowa Falls, Iowa. He was the guest of Senator Guth.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page John Meis.

The Journal of Wednesday, April 3, 2019 was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 3, 2019, **passed** the following bills in which the concurrence of the House was asked:

[Senate File 140](#), a bill for an act relating to special minor's driver's licenses for students attending accredited nonpublic schools.

[Senate File 208](#), a bill for an act increasing the maximum allowable length for stinger-steered automobile transporters.

[Senate File 245](#), a bill for an act relating to eligibility and reporting requirements for the skilled workforce shortage tuition grant program.

[Senate File 246](#), a bill for an act relating to requirements for eligibility under the all Iowa opportunity scholarship program.

[Senate File 333](#), a bill for an act relating to nonsubstantive Code corrections.

[Senate File 532](#), a bill for an act relating to notice and opportunity to repair construction defects in new construction, and including effective date and applicability provisions.

[Senate File 558](#), a bill for an act relating to requirements for domestic surplus lines insurers.

[Senate File 569](#), a bill for an act relating to business entities, by providing for different types of limited liability companies and the dissolution of limited liability companies, and including effective date provisions.

ALSO: That the House has on April 3, 2019, **amended and passed** the following bill in which the concurrence of the Senate is asked:

[Senate File 230](#), a bill for an act relating to manufacturers of native distilled spirits and beer. ([S-3116](#))

ALSO: That the House has on April 3, 2019, **passed** the following bills in which the concurrence of the Senate is asked:

[House File 267](#), a bill for an act relating to clerks of court, including the number of counties in which a clerk may serve and residency requirements.

Read first time and attached to **similar** [Senate File 464](#).

[House File 390](#), a bill for an act relating to required notices to the department of transportation regarding certain registered aircraft.

Read first time and attached to **companion** [Senate File 266](#).

[House File 418](#), a bill for an act relating to commercial driver's license requirements, and including applicability provisions.

Read first time and attached to **similar** [Senate File 226](#).

[House File 419](#), a bill for an act relating to professional standards for the certification or designation of music therapists and providing penalties.

Read first time and referred to committee on **State Government**.

[House File 701](#), a bill for an act relating to the continuance of lawful preexisting nonconforming uses by manufactured, modular, and mobile homes and site-built dwelling units.

Read first time and attached to **similar** [Senate File 368](#).

INTRODUCTION OF GOVERNOR'S APPOINTEE

The Secretary of the Senate introduced Debi Durham, the governor's appointee to be Director of the Economic Development Authority. She was the guest of Senators Giddens and R. Smith and the committee on Ways and Means.

RECESS

On motion of Senator Whitver, the Senate recessed at 9:07 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 9:11 a.m., President Schneider presiding.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: [SENATE RESOLUTION 13](#), a resolution for honoring and recognizing the special relationship between Taiwan and the State of Iowa.

Recommendation: DO PASS.

Final Vote: Yeas, 11: Whitver, Schneider, Petersen, Behn, Bolkcom, Chapman, Feenstra, Jochum, Ragan, Sinclair, and R. Smith. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Whitver asked and received unanimous consent to take up for consideration [Senate Resolution 13](#).

[Senate Resolution 13](#)

On motion of Senator Nunn, [Senate Resolution 13](#), a resolution for honoring and recognizing the special relationship between Taiwan and the State of Iowa, with report of committee recommending passage, was taken up for consideration.

Senator Nunn moved the adoption of [Senate Resolution 13](#), which motion prevailed by a voice vote.

BILLS REFERRED TO UNFINISHED BUSINESS CALENDAR

Senator Whitver asked and received unanimous consent that the following Senate Files be referred from the Regular Calendar to the Unfinished Business Calendar:

SF 152	SF 446 and attached HF 393
SF 153 and attached HF 323	SF 461
SF 186 and attached HF 499	SF 463 and attached HF 638
SF 226 and attached HF 418	SF 464 and attached HF 267
SF 228	SF 477 and attached HF 644
SF 266 and attached HF 390	SF 479 and attached HF 690
SF 268	SF 522
SF 320 and attached HF 260	SF 525
SF 322	SF 530 and attached HF 700
SF 329	SF 541 and attached HF 625
SF 335	SF 542 and attached HF 518
SF 338	SF 544 and attached HF 731
SF 342	SF 546 and attached HF 679
SF 368 and attached HF 701	SF 557
SF 375	SF 562
SF 379	SF 563
SF 389	SF 565 and attached HF 623
SF 402	SF 579
SF 403	SF 580 and attached HF 650

SF 409		SF 582
SF 415	and attached HF 423	SF 594 and attached HF 734
SF 416		SF 608
SF 424	and attached HF 610	SF 609
SF 425	and attached HF 591	SJR 19
SF 426		

BILLS REFERRED TO COMMITTEE

Senator Whitver asked and received unanimous consent that the following Senate Files be referred from the Regular Calendar to the following committees:

SF 376	Education
SF 487	Judiciary
SF 115	Judiciary
SF 116	Judiciary
SF 199	Education
SF 336	State Government
SF 345	Judiciary
SF 369	Judiciary
SF 393	Judiciary
SF 411	Local Government
SF 414	Human Resources
SF 428	Transportation
SF 430	Labor and Business Relations
SF 439	Education
SF 459	Judiciary
SF 476	Labor and Business Relations
SF 480	Education
SF 486	Judiciary
SF 489	Human Resources
SF 490	Human Resources
SF 500	Judiciary
SF 501	Judiciary
SF 503	Natural Resources and Environment
SF 504	Commerce
SF 508	Local Government
SF 517	Judiciary
SF 527	Commerce

SF 529	Veterans Affairs
SF 535	Commerce
SF 539	Education
SF 545	Human Resources
SF 566	Labor and Business Relations
SF 568	Judiciary
SF 571	Judiciary
SF 573	State Government
SF 574	State Government
SF 575	State Government
SF 578	Judiciary
SF 584	Judiciary
SF 585	Judiciary
SF 586	Judiciary
SF 587	Judiciary
SF 588	Judiciary
SF 591	Agriculture
SJR 21	State Government
SCR 6	Human Resources
SCR 8	Education

ADJOURNMENT

On motion of Senator Whitver, the Senate adjourned at 9:24 a.m. until 1:00 p.m., Monday, April 8, 2019.

APPENDIX

COMMUNICATIONS RECEIVED

The following communications were received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

Department of Agriculture and Land Stewardship Expenditures Report, pursuant to 2018 Iowa Acts, [HF 2491](#). Report received on April 1, 2019.

DEPARTMENT OF NATURAL RESOURCES

Quarterly Expenditure Report, pursuant to 2018 Iowa Acts, [HF 2491](#), section 11. Report received on April 4, 2019.

OFFICE OF OMBUDSMAN

Annual Report, pursuant to Iowa Code section 2C.18. Report received on April 1, 2019.

BOARD OF REGENTS

Span of Control Policy Report, pursuant to Iowa Code section 262.9C. Report received on April 2, 2019.

DEPARTMENT OF REVENUE

Corporate Income Tax – Research Activities Credit Report, pursuant to Iowa Code section 422.33. Report received on April 1, 2019.

Economic Development Award – Research Activities Credit Report, pursuant to Iowa Code section 15.335. Report received on April 1, 2019.

Individual Income Tax – Research Activities Credit Report, pursuant to Iowa Code section 422.10. Report received on April 1, 2019.

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: Thursday, April 4, 2019, 10:05 a.m.

Members Present: Breitbach, Chair; Kraayenbrink, Vice Chair; Bolkcom, Ranking Member; Celsi, Costello, Dotzler, Garrett, Greene, Guth, Johnson, Koelker, Lofgren, Lykam, Mathis, Miller-Meeks, Ragan, Rozenboom, Schneider, Shipley, T. Taylor, and Wahls.

Members Absent: None.

Committee Business: SSBs 1254 and 1255.

Adjourned: 11:25 a.m.

JUDICIARY

Convened: Thursday, April 4, 2019, 1:05 p.m.

Members Present: Zaun, Chair; Dawson, Vice Chair; Kinney, Ranking Member; Bisignano, Chapman, Garrett, Hogg, Nunn, Petersen, Schultz, Shipley, Sinclair, Sweeney, and R. Taylor.

Members Absent: Whiting (excused).

Committee Business: HFs 566, 732, and 737.

Adjourned: 2:40 p.m.

RULES AND ADMINISTRATION

Convened: Thursday, April 4, 2019, 9:05 a.m.

Members Present: Whitver, Chair; Schneider, Vice Chair; Petersen, Ranking Member; Behn, Bolkcom, Chapman, Feenstra, Jochum, Ragan, Sinclair, and R. Smith.

Members Absent: None.

Committee Business: [SR 13](#) and governor's appointee.

Adjourned: 9:10 a.m.

WAYS AND MEANS

Convened: Thursday, April 4, 2019, 11:40 a.m.

Members Present: Feenstra, Chair; Dawson, Vice Chair; Jochum, Ranking Member; Behn, Bolkcom, Brown, Carlin, Dotzler, Edler, Giddens, Nunn, Quirnbach, Schultz, R. Smith, Sweeney, and Wahls.

Members Absent: Chapman (excused).

Committee Business: [SF 366](#) passed, as amended. Yeas, 10. Nays, 6.

Adjourned: 12:40 p.m.

INTRODUCTION OF BILL

[Senate File 614](#), by committee on Ways and Means, a bill for an act relating to the powers and duties of the department of agriculture and land stewardship, by changing the name of the weather bureau, modifying provisions applicable to demonstration projects involving alternative fuels, transferring certain Code sections, providing for the use of certain appropriated moneys for surface water quality, and eliminating certain watershed demonstration pilot projects.

Read first time under Rule 28 and **placed on Ways and Means calendar.**

FINAL COMMITTEE REPORTS OF BILL ACTION**HUMAN RESOURCES**

Bill Title: [HOUSE FILE 292](#), a bill for an act relating to the frequency of the reporting of the annual analysis and findings relative to Medicaid managed care member appeals.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT [S-3121](#).

Final Vote: Yeas, 13: Miller-Meeks, Segebart, Mathis, Bolkcom, Carlin, Costello, Edler, Garrett, Greene, Jochum, Johnson, Quirmbach, and Ragan. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE FILE 532](#), a bill for an act relating to the awarding of medical residency positions in the state.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT [S-3122](#).

Final Vote: Yeas, 12: Miller-Meeks, Segebart, Mathis, Bolkcom, Carlin, Costello, Edler, Greene, Jochum, Johnson, Quirmbach, and Ragan. Nays, none. Absent, 1: Garrett.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Bill Title: [HOUSE FILE 566](#), a bill for an act relating to criminal trespass while hunting, fishing, or trapping, and providing penalties.

Recommendation: DO PASS.

Final Vote: Yeas, 14: Zaun, Dawson, Kinney, Bisignano, Chapman, Garrett, Hogg, Nunn, Petersen, Schultz, Shipley, Sinclair, Sweeney, and R. Taylor. Nays, none. Absent, 1: Whiting.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE FILE 732](#), a bill for an act relating to the medical cannabidiol Act.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT [S-3124](#).

Final Vote: Yeas, 13: Zaun, Dawson, Kinney, Bisignano, Chapman, Hogg, Nunn, Petersen, Schultz, Shipley, Sinclair, Sweeney, and R. Taylor. Nays, 1: Garrett. Absent, 1: Whiting.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE FILE 737](#), a bill for an act relating to the regulation of persons involved with animals other than livestock and certain wild animals, providing for criminal offenses and court orders associated with animal mistreatment, and including penalties.

Recommendation: DO PASS.

Final Vote: Yeas, 12: Zaun, Dawson, Kinney, Bisignano, Chapman, Garrett, Hogg, Nunn, Petersen, Schultz, Shipley, and Sinclair. Nays, 2: Sweeney and R. Taylor. Absent, 1: Whiting.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Bill Title: [HOUSE FILE 692](#), a bill for an act relating to the tracking and counting of mailed absentee ballots.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT [S-3119](#).

Final Vote: Yeas, 8: R. Smith, Johnson, Chapman, Cournoyer, Feenstra, Miller-Meeks, Schultz, and Whiting. Nays, 5: Celsi, Dawson, Giddens, Jochum, and T. Taylor. Absent, 2: Bisignano and Zaun.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE FILE 743](#), a bill for an act requiring that the general assembly provide for the publication of certain material and associated electronic records pertaining to official legal publications.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT [S-3118](#).

Final Vote: Yeas, 14: R. Smith, Johnson, Bisignano, Celsi, Chapman, Cournoyer, Dawson, Feenstra, Giddens, Jochum, Miller-Meeks, Schultz, T. Taylor, and Whiting. Nays, none. Absent, 1: Zaun.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Bill Title: [*SENATE FILE 614](#) (formerly [SF 427](#)), a bill for an act relating to the powers and duties of the department of agriculture and land stewardship, by changing the name of the weather bureau, modifying provisions applicable to demonstration projects involving alternative fuels, transferring certain Code sections, providing for the use of certain appropriated moneys for surface water quality, and eliminating certain watershed demonstration pilot projects.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Yeas, 17: Feenstra, Dawson, Jochum, Behn, Bolkcom, Brown, Carlin, Chapman, Dotzler, Edler, Giddens, Nunn, Quirnbach, Schultz, R. Smith, Sweeney, and Wahls. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Ways and Means Committee on [Senate File 614](#), and they were attached to the committee report.

APPOINTMENT

The following appointee was submitted to the Secretary of the Senate for Senate confirmation (all appointees are submitted as **members** unless otherwise specified):

BY THE GOVERNOR

TERM

TRANSPORTATION COMMISSION, STATE (Sec. 307A.1A)
Richard Arnold, Russell

07/01/2019 – 06/30/2023

The appointment was referred to the committee on **Rules and Administration**.

REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

The committee on Rules and Administration referred the following Governor's appointment to a state board, commission, or department to Senate standing committee, as indicated for investigation on April 4, 2019:

TRANSPORTATION

Richard Arnold – State Transportation Commission

PLACEMENT ON INDIVIDUAL CONFIRMATION CALENDAR

MR. PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the name of Mark Schuling to Consumer Advocate be removed from the "En Bloc Confirmation Calendar" and placed on the "Individual Confirmation Calendar":

JAKE CHAPMAN

AMENDMENTS FILED

S-3116	S.F. 230	House
S-3117	H.F. 604	Tim L. Kapucian
S-3118	H.F. 743	State Government
S-3119	H.F. 692	State Government
S-3120	H.F. 599	Chris Cournoyer
S-3121	H.F. 292	Human Resources
S-3122	H.F. 532	Human Resources

S-3123	S.F. 608	William A. Dotzler, Jr.
S-3124	H.F. 732	Mark Lofgren
		Judiciary